

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, SEPTEMBER 9, 2014 – 7:00 P.M.**

President Fraim called the meeting to order and asked for a moment of silence in honor of Dan Montague, a frequent visitor at city council meetings who recently passed away. This was followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to excuse Dr. Whibley from today's meeting.

#### **Motion adopted.**

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

#### **Motion adopted.**

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn and Fraim.

No: None.

### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

## **PUBLIC HEARING**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance to amend and reordain the title of Section 14.1-56, Subsection 14.1-75 (24), and Section 14.1-122 **SO AS TO** change the name of the precinct from Hunton Y Precinct to Tidewater Gardens Precinct and change its voting place to Ruffner Academy.

Councilman Smigiel asked the Registrar's Office why the precinct name would be changed from Hunton Y Precinct to Tidewater Gardens Precinct and not Ruffner Academy Precinct where the voting would be held.

Council consensus was that Hunton Y Precinct should be renamed Ruffner Academy Precinct.

Rodney Jordan, 2506 Myrtle Avenue and Michelle Cook, 589 Ruffner Street, spoke in opposition to this matter.

Ellis James, 2021 Kenlake Place, commented on heavy traffic in the area of the proposed new location of the precinct and urged adequate protections be provided for pedestrians.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain the title of Section 14.1-56, Subsection 14.1-75 (24), and Section 14.1-122 **SO AS TO** change the name of the precinct from Hunton Y Precinct to Ruffner Academy Precinct and change its voting place to Ruffner Academy," was introduced in writing and read by its title.

**ACTION:** The Ordinance, as amended and introduced was **adopted**, effective November 5, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance approving a **Lease Agreement with Ocean View Little League** for the use of certain property known as “Ocean Air Field”.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Lease Agreement with Ocean View Little League** for the use of certain property known as “Ocean Air Field” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 10, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

### **CONSENT AGENDA**

C-1

Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the Special Election on August 19, 2014, pursuant to **Section 24.2-675** of the *Code of Virginia*.

**ACTION:** Received and filed.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

### **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an automobile and truck repair facility known as ‘Angelo’s Tire and Repair’ on property located at **1139 East Princess Anne Road**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘El Deportista’ on property located at **1819 East Little Creek Road,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as ‘Fifty Eighteen’ on property located at **5018 East Princess Anne Road,**” was introduced in writing and read by its title.

Damain Wright, 5573 Brickell Road and Gabriel Rapisardi, 304 Twilley Street spoke in favor of this matter.

**ACTION:** Continued to October 14, 2014.

Yes: Johnson, Protogyrou, Smigiel, Williams, Winn, and Frain.

No: Riddick.

R-4

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment named as ‘Five Points Community Farm Market’ on property located at **2500 Church Street, Suite A and 2501 Fawn Street,**” was introduced in writing and read by its title.

Bev Sell, 3424 Chesapeake Boulevard, spoke in favor of this matter.

Rodney Jordan, 2506 Myrtle Avenue, Kathy Reese, 3610 Henrico Street and Daun Hester, 946 Marietta Avenue, Suite 13, were present in favor of this matter but did not speak.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-4A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘Five Points Community Farm Market’ on property located at **2500 Church Street, Suite A,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘Saint Germain’ on property located at **2200 Colonial Avenue, Suite 5,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘Sushi King’ on property located at **4249 East Little Creek Road, Suite 106,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘Sweet Teas’ on property located at **345 Granby Street, Suite C,**” was introduced in writing and read by its title.

Lewis Ascare, 10920 Lansdowne Court, Richmond, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-8

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment known as ‘The Birch Bar’ on property located at **1231 West Olney Road,**” was introduced in writing and read by its title.

Malia Pasch, 1151 Surrey Crescent, applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-8A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘The Birch Bar’ on property located at **1231 West Olney Road,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment named “The Torch Bistro” on property located at **601 Orpax Street**,” was introduced in writing and read by its title.

Al Ragas, 601 Orpax Street, applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acquisition by the City of Norfolk of any interest held by certain titleholders of the **property conveyed to Joseph Morris** by Deed dated May 27, 1919, recorded in the Circuit Court of the City of Chesapeake, Virginia, and authorizing the City Manager to accept a Deed or Deeds of Quitclaim on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acquisition by the City of Norfolk of any interest held by certain titleholders of the **property shown on the plat of Chesapeake Bay Property of Hilary Land’s** heirs recorded in the Circuit Court of the City of Chesapeake, Virginia, and authorizing the City Manager to accept a Deed of Quitclaim on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance to accept any and all **Outstanding Dedications** of property to the City of Norfolk for public use,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Virginia Funeral Service, Inc., t/a Metropolitan Funeral Service**, to encroach into the right of way of Patrick Street and Cross Street at 125 Patrick Street with an existing chain link fence, and into West Berkley Avenue and South Main Street with existing buildings at **120 and 132 West Berkley Avenue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **EA’s Apartments, Inc.** permission to encroach into the right-of-way of Obendorfer Road 1’ ± with an existing building and 2’ ± with an existing roof overhang at **956 Berkley Avenue Extended**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.



R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the City of Norfolk by Norfolk Redevelopment and Housing Authority a certain parcel of property that is currently part of the **West Ocean View Conservation Project**, and authorizing the City Manager to accept the Deed on behalf of the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acceptance of a Grant Award of up to \$24,999.00 from **Eastern Virginia Medical School**, and appropriating and authorizing the expenditure of the Grant Funds,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the expenditure of fund heretofore appropriated for Economic Development and authorizing the City Manager to enter into implementing Cooperation Agreements with the **Economic Development Authority**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia, of up to \$90,000,000 in **General Obligation Refunding Bonds** to refund earlier bond issues,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia, of up to \$135,000,000 in **Water Revenue Refunding Bonds** to refund earlier bond issues,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance to **change the starting time of the regular weekly City Council meeting** scheduled for Tuesday, September 23, 2014 at 7:00 p.m. to September 22, 2014, at 9:00 a.m. and to move the location of said meeting,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-21

Letter from the City Clerk requesting confirmation of the appointment of Brittany N. Forman as Deputy City Clerk/Executive Assistant to the Mayor effective September 2, 2014.

**ACTION:** Appointment confirmed.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

R-22

A Resolution entitled, "A Resolution appointing 1 person to the Norfolk Redevelopment and Housing Authority for a certain term," was introduced in writing and ready by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective September 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

### **NEW BUSINESS**

1. Carol Senechal, 1116 Hanover Avenue, spoke about the Eagles at Botanical Garden.
2. Danny Lee Ginn, 3845 Dare Circle, commented on good government.